IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 25329 of 1998

Between:

A. Nagasudha D/o. A. Venkataramanaiah
R/o H.No. 6-37, Brahmanstree, Porumamilla,
Cuddapah District.

..... PETITIONER

AND

1 The Chairman, Canara Bank, Bangalore.
2 The Manager Personnel, Canara Bank, Bangalore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not giving an appointment after completion of petitioner apprenticeship training in accordance with Apprenticeship Act Under Sec. 22 as illegal, arbitrary, and discriminatory besides being in violation of Articles 14, 16 and 21 of the Constitution of India and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner: MR.D.LINGA RAO

Counsel for the Respondents: MR.DEEPAK BHATTACHARJEE

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not giving an appointment after completion of the petitioner's apprenticeship training in accordance with the Apprentices Act, 1961 (for short 'the Act").

According to the petitioner, she completed Intermediate Public Vocational Course in 1994 conducted by the Board of Intermediate Education. The duration of the said course was two years. After successful completion of the course, her name was forwarded to the Board of Apprenticeship Training, Chennai for apprenticeship training in any Governmental service or in any Public Sector untertakings including any Nationalized Banks or Scheduled Banks. The said Board, in turn, referred the petitioner to the Chairman, Canara Bank-the first respondent for apprenticeship training. The first respondent issued letter dated 01-01-1997 calling upon the petitioner to appear for an interview scheduled to be held on 20-01-1997. After attending the interview and seeing her performance she was selected to undergo apprenticeship training in Banking at their Cuddapah Branch for a period of 12 months. She had successfully completed the training for one year. However, she was not offered employment on regular basis as required under Section 22 of the

Act.

The learned counsel for the petitioner submits that once there is an agreement entered into between the parties as to the conditions of training etc., after completion of the training it is incumbent on the part of the respondents to offer employment on preferential basis to the petitioner, which was not done. The learned counsel for the petitioner has drawn the attention of this Court to Section 22 (2) of the Act. I have gone through Section 22 of the Act. Clause (2) contemplates that where there is a condition in the contract of the apprenticeship that the apprentice shall, after successful completion of apprenticeship training, serve the employer, the employer shall, on such completion, be bound to offer suitable employment to the apprentice. Admittedly, in this case the agreement of apprenticeship, which is placed on record, does not contain any recital that after completion of the apprenticeship, the apprentice (petitioner) was bound to serve the employer. In the absence of any such binding contract, the plea of the petitioner that she is entitled for a preferential treatment since she had completed apprenticeship with the respondent-organization cannot be accepted.

The writ petition is devoid of consideration and liable to be dismissed. The writ petition is accordingly dismissed.

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27-07-2004

vs/rns

To

1 The Chairman, Canara Bank, Bangalore.
2 The Manager Personnel, Canara Bank, Bangalore.

3 Two CD copies.